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In re Application of :
MURDOCH : DECISION ON PETITION
Application No.: 09/602,122 : UNDER 37 CFR 1.182
PCT No.: PCT/AU99/00059 :
Int. Filing Date: 29 January 1999 :
Priority Date: 29 January 1998 :
Attorney Docket No.: 010100-104 :
For: A TRANSCEIVER

This decision is in response to applicants' "Response to Decision on Petition under 37 CFR 1.182 to Correct Named Applicant and Transmittal of Corrected Declaration" filed on 23 February 2001 which is being treated as a renewed petition under 37 CFR 1.182.

BACKGROUND

On 29 January 1999, applicants filed the above-captioned international application, which claimed a priority date of 29 January 1998 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 August 1999. The international application named Graham Murdoch as the sole inventor. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 29 July 2000.

On 27 July 2000, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee and a preliminary amendment.

On 14 August 2000, the United States/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating an oath or declaration and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) must be furnished. The notification set a one month time limit in which to respond.

On 15 September 2000, applicants filed "Petition to Correct Named Applicant" accompanied by: an executed declaration and a verified statement claiming small entity status. The declaration listed the inventor as Graham Alexander Munro Murdoch. The request was dismissed in a decision dated 11 January 2001.

On 23 February 2001, applicant filed the present petition and declaration.

DISCUSSION

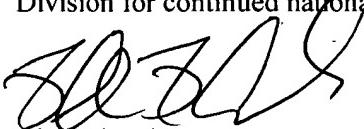
The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. Applicant states in the present petition, “[i]n response to the Decision on Petition under 37 CFR 1.182 to Correct Named applicant date January 11, 2001, . . . , please accept for filing the new Declaration and Petition signed by Applicant Graham Munro.” The Declaration submitted has been executed by Graham Munro, the name listed on the international application, and is accepted. A review of the application papers reveals that applicant completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** as moot.

The application has an international filing date of 29 January 1999 under 35 U.S.C. 363 and a date of **23 February 2001** under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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